

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Maurice Gindraw and
Geneva Gindraw
aka Geneva Jefferson
Debtor

SN Servicing Corporation as servicer
for U.S. Bank Trust National
Association as Trustee of the Lodge
Series IV Trust
Movant

v.

Maurice Gindraw and
Geneva Gindraw
aka Geneva Jefferson
Debtor
Kenneth E. West
- Trustee

Respondents

Case No.: 18-14344-elf

Chapter: 13

Judge: Eric L. Frank

CERTIFICATION OF DEFAULT

FRIEDMAN VARTOLO, LLP, attorneys for Movant, hereby certifies that the above-captioned Debtor have failed to comply with the terms of the Stipulation approved by the U.S. Bankruptcy Judge Eric L. Frank on March 19, 2020. A copy of the Stipulation is attached hereto as Exhibit "A". Movant certifies that the required Notice of Default required by the Order was sent to Debtor and Debtor's attorney on June 23, 2022, and Debtor has failed to cure the default. A copy of the Notice of Default is attached hereto as Exhibit "B". Debtor is post-petition due for the 06/01/2021 through 10/01/2021 @ \$886.49 and 11/01/2021 through 07/01/2022 @ \$887.31, accrued late charges of \$180.74, less suspense in the amount of \$374.92. The total to post-petition reinstate is \$12,224.06. In accordance with the terms of said Stipulation agreed to by the parties, the Automatic Stay is hereby lifted as to permit Movant to proceed with their State Court remedies upon Debtor's property.

Dated: 7/21/2022

By: /s/ Lauren M. Moyer
Lauren M. Moyer, Esq.
FRIEDMAN VARTOLO LLP
Attorneys for Movant
1325 Franklin Avenue, Suite 160
Garden City, New York 11530
T: (212) 471-5100
F: (212) 471-5150
Bankruptcy@FriedmanVartolo.com

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ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

UPON consideration of the Certification of Default filed by SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series IV dated _____ and with good cause therefore, it is

ORDERED the automatic stay, heretofore in effect pursuant to 11 U.S.C. § 362(a), is hereby vacated for cause pursuant to 11 U.S.C. § 362(d)(1) to permit Movant to exercise all rights available to it under applicable law with respect to 871 Foulkrod Street, Philadelphia, PA 19124 and it is further;

ORDERED that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further;

ORDERED that the Movant shall promptly report to the Chapter 13 Trustee any surplus monies realized by any sale of the Property.

BY THE COURT:

U.S.B.J.

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CERTIFICATE OF SERVICE

I, Lauren M. Moyer, Esquire., certify that on July 21, 2022, I caused to be served a true copy of the annexed **CERTIFICATION OF DEFAULT AND SUPPORTING DOCUMENTS**, by mailing by First Class Mail in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service addressed to the last known address of the addressee, and the property address as indicated on the attached Service List annexed hereto.

Dated: 7/21/2022

By: /s/ Lauren M. Moyer
Lauren M. Moyer, Esq.
FRIEDMAN VARTOLO LLP
Attorneys for Movant
1325 Franklin Avenue, Suite 160
Garden City, New York 11530
T: (212) 471-5100
F: (212) 471-5150
Bankruptcy@FriedmanVartolo.com

SERVICE LIST

TO:

Trustee

Kenneth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Debtor's Counsel

ASHLEY M. SULLIVAN
Spear Wilderman, P.C.
230 South Broad Street
Suite 1400
Philadelphia, PA 19102

U.S. Trustee

United States Trustee
Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106

Debtor

Maurice Gindraw
871 Foulkrod Street
Philadelphia, PA 19124

Geneva Gindraw
aka Geneva Jefferson
871 Foulkrod Street
Philadelphia, PA 19124

Exhibit “A”

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)

IN RE:

Maurice Gindraw & Geneva Gindraw, aka
Geneva Jefferson
Debtor

CHAPTER 13

CASE NO.: 18-14344-elf

HEARING DATE: March 3, 2020

TIME: 11: 00 A.M.

LOCATION: COURTROOM #1

ORDER APPROVING THE STIPULATION RESOLVING THE MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

AND NOW, it is hereby ORDERED that the corresponding Stipulation (Doc # 68) is
hereby approved.

BY THE COURT:

3/19/20

Date



Eric L. Frank
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

**Maurice Gindraw & Geneva Gindraw, aka
Geneva Jefferson**
Debtor

CHAPTER 13

CASE NO.: 18-14344-elf

HEARING DATE: March 3, 2020

TIME: 11: 00 A.M.

LOCATION: COURTROOM #1

**STIPULATION RESOLVING MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

It is hereby stipulated by and between Hill Wallack, LLP, as Counsel to WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES V-E ("Movant"), and JONATHAN KRINICK, counsel for the Debtor, as follows:

1. The Automatic Stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
2. The Stipulation pertains to the property located at 871 Foulkrod Street, Philadelphia, PA 19124 (the "Property").
3. Parties acknowledge that the current regular monthly post-petition payment is \$886.49.
4. The Debtors shall cure the post-petition arrears due for September 1, 2019 through March 1, 2020 in the amount of \$6,205.43 (\$886.49 x 7 months), less a suspense amount of \$23.90, plus \$1,231.00 attorney's fees and costs, totaling \$7,436.43 by making a down payment to Movant in the amount of \$3,000.00 within 15 days of the order approving the Stipulation being entered on the docket. The Debtors shall cure the remaining arrears in the amount of

\$4,436.43 by making five equal consecutive monthly installments of \$739.41 commencing on March 15, 2020 and one final monthly payment of \$739.38 on August 15, 2020.

5. Debtors shall continue to make all regular monthly post-petition payments when they are due in accordance with the terms of the Note and Mortgage.

6. All post-petition payments from Debtors to Movant shall be sent to FCI LENDER SERVICES INC. AT PO BOX 28720, Anaheim Hills, CA 92809.

7. Should the Debtors fail to make the monthly payments timely than Movant shall send Debtors and Debtors' counsel a written Notice of Default of this Stipulation. If the default is not cured within fifteen (15) days of the date of the Notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting relief from the Automatic Stay waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.

8. In the event the Debtors convert to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, Movant shall send Debtors and Debtors' counsel a written Notice of Default of this Stipulation. If the default is not cured within ten (10) days of the date of the Notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting relief from the Automatic Stay waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.

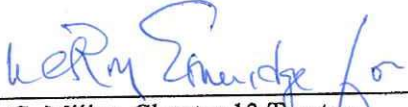
9. Debtors tendering of a check to WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES V-E which is subsequently returned due to insufficient funds in the account upon which the check is drawn, shall not constitute payment as the term is used in this Stipulation.

10. The parties stipulate that Movant shall be permitted to communicate with the Debtors and Debtors' Counsel to the extent necessary to comply with applicable non-bankruptcy law.

11. The parties agree that a facsimile signature shall be considered an original signature.

By: /s/Michael J. Shavel, Esq.
Michael J. Shavel, Esquire
Counsel for Creditor

By: 
JONATHAN KRINICK, Esquire
Counsel for Debtor


William C. Miller, Chapter 13 Trustee

NO OBJECTION
*without prejudice to any
trustee rights and remedies

Exhibit “B”



85 Broad St., Suite 501, New York, New York 10004
t: 212.471.5100 f: 212.471.5150
friedmanvartolo.com

June 23, 2022

Ashley M. Sullivan, Esquire
Spear Wilderman, P.C.
230 South Broad Street
Suite 1400
Philadelphia, PA 19102

RE: Maurice Gindraw and Geneva Gindraw aka Geneva Jefferson
Bankruptcy Case No. 18-14344-elf

Dear Counselor:

Please be advised, this office represents SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series IV Trust with regard to the above referenced matter.

Our client has advised us that payments have not been tendered in accordance with the Conditional Order entered by Court on March 19, 2020.

This notice is to advise that your client has defaulted on payments required under the terms of the Order and is due for as follows:

Monthly payments 06/01/2021 through 10/01/2021 @ \$886.49	\$ 4,432.45
Monthly payments 11/01/2021 through 06/01/2022 @ \$887.31	\$ 7,098.48
Accrued Late Charges	\$ 154.92
Suspense Balance	(\$ 374.92)
Total Due and Owing good through 06/15/2022	\$ 12,060.77

Payment should be made by bank or certified funds and mailed directly to:
SN Servicing Corporation, P.O. Box 660820, Dallas, TX 75266-0820

Pursuant to the Stipulation, you now have fifteen (15) days, from the date of this notice, to cure this default. Failure to cure default may result in the enforcement of our state law rights.

Acceptance of partial payments will not constitute a waiver of our client's rights to pursue the default in the event the partial payment is not enough to cure the entire default.

Yours truly,

/s/ Lauren M. Moyer

Lauren M. Moyer, Esquire

cc:

Kenneth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

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200 Chestnut Street
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